

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:10cr185

UNITED STATES OF AMERICA)
)
v.)
)
LOUIS CUTHBERTSON)

)

ORDER

THIS MATTER comes before the Court upon the defendant's Motion to Revoke Detention Order, pursuant to 18 U.S.C. § 3145(b). (Doc. Nos. 8).

On August 24, 2010, the defendant was arrested pursuant to an indictment charging him with making a false statement in connection with the acquisition of a firearm, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2). (Doc. No. 1: Indictment; Doc. No. 6: Executed Arrest Warrant). A magistrate judge detained the defendant after a hearing on August 27, 2010.¹ (Doc. No. 5: Order).

At the detention hearing, the government proffered facts against the defendant, including his confession, tending to show that he purchased a shotgun for his brother (a felon) with knowledge that his brother intended to use the weapon to commit a murder and even loaded it for his brother before a fatal confrontation with the victim. The defendant proffered information about his successful treatment for mental illness and the lack of proper medication in the jail. The magistrate judge found, by clear and convincing evidence, that no combination of conditions would reasonably assure the safety of any other person or the community. (Doc. No. 5: Order).

A district court is required to make an independent, de novo determination when acting on a motion to review a magistrate judge's pretrial detention order. United States v. Stewart, 19

¹Although the hearing was not transcribed, the Court has reviewed a recording of the proceedings.

F. App'x 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings, or may state additional reasons supporting pretrial detention. King, 849, F.2d at 490-91.

Accordingly, the Court has reviewed the entire record in this case de novo. The Court finds that the magistrate judge correctly assessed the factors set forth in 18 U.S.C. § 3142(g) in reaching the conclusion that the defendant should be detained and adopts the magistrate judge's order.

IT IS, THEREFORE, ORDERED that the defendant's Motion to Revoke Detention Order (Doc. No. 8) is **DENIED**._____

Signed: November 2, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

